



An
Bord
Pleanála

Inspector's Report ABP-321281-24

Development

Permission for development which consists of permission to retain (a) alterations to the approved front, rear and side elevations (Pl. Ref. No 19/274 refers); (b) alterations to the internal ground and first floor layout (Pl. Ref. No 19/274 refers) (c) construction of external stairs to the rear (d) widening of front entrance and ancillary site works

Location

78 Renmore Park, Renmore, Galway

Planning Authority Ref.

2460283

Applicant(s)

Sean Cleary

Type of Application

Retention

PA Decision

Refuse Retention

Permission

Type of Appeal

First

Appellant

Sean Cleary

Observer(s)

None

Date of Site Inspection

*11th February
2025*

Inspector

Andrew Hersey

1. Site Location/ and Description. The site is located in the southern suburbs of Galway City off the Dublin Road in Renmore. The house comprises of a semi

detached unit with front and rear gardens. The front garden comprises of, for the most part, artificial grass.

No 79 Renmore is located to the south east and No. 77 is located to the north west.

Lands belonging to the Brothers of Charity is located to the west.

Lough Atalia located further to the west

2. Proposed development. The proposed development comprises of the retention of :

- alterations to the approved front, rear and side elevations (Pl. Ref. No 19/274 refers);
- alterations to the internal ground and first floor layout (Pl. Ref. No 19/274 refers)
- construction of external stairs to the rear
- widening of front entrance and ancillary site works
- Site area is stated as being 370sq.m. The existing build is 218sq.m., and it is proposed to retain 218sq.m.

3. PA's Decision Permission was refused for the following reasons:

1. The proposed development by virtue of the proposed design of the proposed rear and side elevation second floor/attic level box dormer window feature/projection and associated balcony/terrace and the proposed external metal stairs from first floor balcony would if permitted, be out of character with the existing dwelling and the prevailing design and pattern of adjoining dwellings in this Established Residential Neighbourhood. The development, if permitted, would be contrary to Policy 3.5 Sustainable Neighbourhoods: Established Suburbs of the City Development Plan 2023-2029 to facilitate consolidation of existing residential development and densification where appropriate while ensuring a balance between the reasonable protection of the residential amenities and the character of the established suburbs and the need to provide for sustainable residential development and contrary to Section

11.3.1 (I) Residential Extensions of the City Development Plan which states the design and layout of extensions to houses should complement the character and form of the existing building, having regard to its context and adjacent residential amenities. The proposed development would detract from the visual and residential amenities of the existing dwelling and adjoining dwellings and constitute an undesirable precedent for similar type development in this area, would be contrary to the policies of the City Development Plan and would therefore be contrary to the proper planning and sustainable development of the area.

2. The development proposed by reason of the second floor/attic level balcony/terrace and external metal stairs from first floor balcony would enable undue overlooking of the private amenity spaces of adjoining properties and would not meet the requirements for the prevention of overlooking set out under Section 11.3.1 (d) Overlooking of the City Development Plan 2023-2029 which states that residential units shall generally not directly overlook private open space or land with development potential from above ground floor level by less than 11 metres minimum and SPPR 1 -Separation Distances of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (Department of Housing, Local Government and Heritage 2024) which states suitable privacy measures shall be designed into a residential development scheme to prevent undue overlooking of habitable rooms and private amenity spaces. The proposal development would therefore be contrary to these development standards, seriously injure the residential amenities of the property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

3.1 Submissions. There are no submissions on file

3.2 Internal Reports.

- Active Travel Section received 17th September 2024- no objection
- Planners Report (dated 21st October 2024) recommends that permission be refused. The case planner raises issues with respect to;

- That the proposed second floor balcony and box dormer and metal stair serving the 1st floor will result in overlooking of adjacent properties.
- That the proposed second floor balcony and box dormer and metal stair is out of character with the area and therefore contravenes Section 11.3.1 (I) Residential Extensions of the statutory plan
- That the use of artificial grass as a surface treatment of front garden is not considered acceptable and is a visually obtrusive and garish feature in the streetscape.

4. Planning History.

- Planning Reg. Ref. 19/274 - Permission granted subject to 9 conditions for development which will consist of (1) Construction of a single storey extension to the front of existing dwelling (2) First floor extension to side of existing dwelling house (3) Single and two storey extension to the rear of existing dwelling house (4) Conversion of attic into storage space and (5) all associated site works and services. Planning Conditions of relevance relating to the proposed development are
 - Condition 3 stipulates that the use of existing dwelling as single dwelling unit only
 - Condition 8 stipulates that the use of the attic be used for storage purposes only
 - Condition 9 – that the proposed 1.8m high concrete block screen walls around the first floor balcony shall be replaced with an opaque screen.
- Planning Reg. Ref. 21/345 - Permission refused for retention and permission for development which will consist of (1) Retention and completion of demolition and part of existing front boundary wall to create a wider vehicular access to the public road and to facilitate in off street parking (2) All associated site works and services. Permission was refused on the basis that the proposed entrance for retention did not comply with development plan policy with respect to vehicular entrances which states that entrances should not exceed 3 metres in width.

5. National/Regional/Local Planning Policy

5.1 The Galway City Development Plan 2023-2029 came into effect on the 4th January 2023

- The site is zoned 'R' the objective of which is To provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods.
- Section 11.3.1 (I) Residential Extensions of the Galway City Development Plan 2023-2029 states the design and layout of extensions to houses should complement the character and form of the existing building, having regard to its context and adjacent residential amenities.
- Section 11.3.1 (d) stipulates that residential units shall generally not directly overlook private open space or land with development potential from above ground floor level by less than 11 metres minimum.
- Policy 3.5 Sustainable Neighbourhoods: Established Suburbs states it is the policy of the Council to facilitate consolidation of existing residential development and densification where appropriate while ensuring a balance between the reasonable protection of the residential amenities and the character of the established suburbs and the need to provide for sustainable residential development and deliver population targets.

5.2 Natural Heritage Designations

The nearest designated site is

- Inner Galway Bay SPA (Site Code 004031) is located 300m to the west
- Galway Bay Complex SAC (Site Code 000268) is located 300m to the west

6. The Appeal

6.1 A first party appeal was lodged by Daniel Melia obo Sean Cleary on the 19th November 2024

The appeal in summary states;

- That the dwelling is being used as a single residential unit

- That the house is a 'shared' house. Rooms on the ground floor are rented out.
- That the planners report references a balcony/terrace at the attic/2nd floor but that this is not a balcony or terrace but is a flat roof approved previously under Planning Reg. Ref. 19/274. – photographs of the same are included with the appeal which show a flat roof with air conditioning unit and roof window. There is also a metal handrail along the edge of the roof.
- That the use of this roof can be addressed by way of planning condition.
- That the box dormer is larger than that granted under Planning Reg. Ref. 19/274. It was enlarged to accommodate solar panels on the roof of the dormer.
- There are numerous box type dormers in the area and the appellant cites one granted under Planning Reg. Ref. 15/233 - a photograph of the same has been included in the appeal.
- There will be no overlooking from the said dormer window
- That the metal stairs from the first floor balcony does not result in overlooking to adjoining properties
- The appellant has included photographs of other similar staircases permitted in the area and now built.
- That an opaque screen can be constructed to prevent any such overlooking.
- That the width of the entrance complies with development plan standards
- The width of the entrance is required for safe access and egress to the driveway for 2 cars.
- That the artificial grass in the front elevation is permeable and is exempt from planning as per the Planning and Development Regulations.
- In any rate the application includes for landscaping in the front garden.

6.2 P.A. Response

None received

7. EIA Screening

See completed Form 1 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required

8. AA Screening

Having regard to the. modest nature and scale of development, its location in an urban area, connection to existing services and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Assessment

9.1 Introduction

9.1.1 I have examined the application details and all other documentation on file and I have inspected the site and have had regard to relevant local development plan policies and guidance.

9.1.2 I am satisfied the substantive issues arising from the grounds of this third party appeal relate to the following matters

- Principle of Development
- Visual & Residential Amenities
- Vehicular Entrance
- Other Issues

9.2 Principle of Development

9.2.1 The site is located in the northern suburbs of Galway City in an area zoned 'R' in the Galway City Development Plan 2023-2090 the objective of which is 'To provide for residential development and for associated support development, which will ensure

the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods’

9.2.2 Having regard to the same and having regard to the existing residential use on site I consider that the proposed elements of retention to the dwelling are acceptable in principle in this context.

9.3 Visual & Residential Amenities

9.3.1 The proposed development comprises of retention of amendments made to the elevations as previously approved under Planning Reg. Ref. 19-274. With respect to the front elevation, it is considered that the amendments made to the same, in variation to that previously permitted, are minor in nature and relate to amendments to the fenestration and alterations to the front door. These amendments in no way impact upon the visual amenities of the area or on the residential amenities of adjacent properties.

9.3.2 With respect to the rear elevation, a number of amendments have been made to the same in difference to that granted under Planning Reg. Ref. 19-274 as follows:

- Addition of an external stair that connects the garden to the first floor balcony.
- Addition of an external stair that connects to the garden to a ground floor terrace.
- An enlarged box dormer at roof level which sits on the eaves and raises to the height of the ridge with the addition of solar panels on the flat roof of the same
- Large sliding doors at ground and first floor.

9.3.3 I note that the case planners report on file raises concerns with respect to the first of the elements of retention above i.e. the external stair connecting the first floor to the garden. The case planner raises concerns with respect to overlooking of adjacent private gardens which, I am of the opinion will clearly occur. The appellant states that they can add a screen to prevent this but I would consider that a screen would represent further add hoc type development which in addition to the proposed stair for retention would add to the general visual disamenity exhibited on the rear elevation which, I note, is visible over the wide area because of its elevated nature. The appeal

does not include for any rationale as to why the said stairs is required. It is accepted that the balcony has been previously granted under Planning Reg. Ref. 19-274 and which has been amended in accordance with condition 9 as outlined in Section 3 above. On the basis of an unclear requirement for the said external stairs, I conclude that it should not be allowed in this context.

- 9.3.4 I have no issues with the proposed stair for retention which connects the lower garden area to the ground floor terrace
- 9.3.5 With respect to the enlarged box dormer window for which retention permission is being sought I note there is no guidance in the development plan with respect to the same. The said dormer is larger than the one permitted under Planning Reg. Ref. 19-274 and raises from the flat roof associated with the already permitted first floor extension up to the ridge height. The said window is clad with a dark grey standing seam metal finish.
- 9.3.6 In general I have no issue with the increased size of the said dormer in terms of visual amenity. It is stated in submissions lodged with the appeal that the window was made larger to accommodate solar panels on the roof of the same. While the said window clearly increases the floorspaces in the attic level there is no justification for the same on the file. However, I do not consider that the enlarged window will impact upon the visual amenity of the area and I would consider that it integrates successfully with the design of the existing 2 storey rear extension. The railings erected on the flat roof of the first floor give the appearance of a balcony and I do question their necessity which the appellant states is for safety during maintenance. In the case where the Board decides to grant permission for the said development it is recommended that this railing be omitted by way of condition.
- 9.3.7 I note that it is stated that the attic level is for the purposes storage only. I note that section drawings submitted show for a head height of just over 2.3 metres which is not sufficient for residential purposes. In the case where the Board decide to grant permission for the proposed development it is recommended that a condition be imposed to reiterate that the attic is for domestic storage purposes only and that access to the flat roof is restricted for maintenance purposes only

9.3.8 With respect to the large sliding doors for which retention is sought at ground and first floor, I do not consider that they will impact upon the visual amenities of the area or residential amenities of adjacent properties.

9.4 Vehicular Entrance

9.4.1 The application also includes for a widened vehicular entrance which is shown on the attached drawings as 4.730 metres wide. I note that the retention of this was refused previously under Planning Reg. Ref. 21-345 but I further note that while the issue of the use of the artificial grass has been raised in the planning report, I note that the retention of the entrance is not part of the reasons for refusal under this application. I note in from submissions on the file that the entrance has been made narrower by circa 300mm from that as applied for under P21-345. Policy with respect to vehicular entrances is set out under Section 11.3.1 (g) which states that *'The vehicular entrance shall not normally exceed 3m in width, or where the local context and pattern of development allows, not wider than 50 per cent of the width of the front boundary'*.

9.4.2 The said entrance for retention is 4.73 metres wide which exceeds that permitted under the above policy. The appellant states that the entrance as constructed is required for the safe vehicular movements in and out of the driveway and that an existing street tree hinders traffic movement. I note that other vehicular entrances in the immediate vicinity of the site do not have enlarged entrances. I do however consider that the street tree would hinder movements and as such an entrance wider than the 3.0 metre stipulation is warranted in this instance. The policy also allows for, where the local context and pattern of development allows *'entrances not wider than 50% of the width of the front boundary'*. The site frontage is stated as 9.43 metres wide and the proposed entrance is 4.73 metres wide which is marginally, 15mm above the 50% requirement. (50% of 9.43m is 4.715m). In this context I deem the same acceptable. I note that landscaping is also proposed in the front garden which comprises of a hard surface where the driveway is located and an area of proposed landscaping. With respect to the same and subject to landscaping details being agreed prior to the commencement of development I consider that the proposal complies with this policy.

9.5 Other Issues

9.5.1 I note that from the drawings submitted and in particular the floorplans it can be construed that each floor could be used as a self-contained unit as there are living areas, kitchens and bedrooms on each floor. The appellant has stated in submissions associated with the file and in the appeal that the entire house is a single residential unit only though it is admitted that the house is a 'shared' house. The appellants states that there is nothing to prevent him having a kitchen on each floor and he could install a kitchen without obtaining planning permission.

With respect to the same and if the Board decides to grant permission for the said development I recommend that a condition be imposed stipulating that the house be for the purposes of a single residential unit only.

10. Recommendation

I recommend that a split decision be issued.

I recommend that retention permission be refused for

(c) construction of external stairs to the rear

And I recommend that retention permission be granted for;

(a) alterations to the approved front, rear and side elevations (Pl. Ref. No 19/274 refers);

(b) alterations to the internal ground and first floor layout (Pl. Ref. No 19/274 refers) and

(d) widening of front entrance and ancillary site works

11. Reasons & Considerations

(c)

The development proposed by reason of the first floor an external metal stairs from the first floor balcony would result in undue overlooking of the private amenity spaces

of adjoining properties and would not meet the requirements for the prevention of overlooking set out under Section 11.3.1 (d) Overlooking of the City Development Plan 2023-2029. Having regard to the same and having regard to lack of details submitted with the application with respect to the need of the said external stairs it is considered that the proposed development for retention results in an ad hoc and substandard form of a development on an elevated site . The proposal development would therefore be contrary to these development standards, would seriously injure the residential amenities of the property in the vicinity, would seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area

(a,b,d)

Having regard to the information submitted with the application and the nature and scale of the proposed development, and having regard to the existing planning permission on site as permitted under Planning Reg. Ref. 19/274 it is considered that, subject to compliance with the conditions set out below, the proposed development for retention would comply with the zoning objective for the site and the policies with respect of residential extensions as set out in the Galway City Development Plan 2023 – 2029, would not be injurious to the visual or residential amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

12. Conditions

1.	The development shall be retained and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior
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	<p>to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) The external stair serving the first floor balcony shall be omitted</p> <p>(b) The railing on the roof of the first floor extension shall be omitted.</p> <p>And revised drawings showing these amendments shall be submitted to the planning authority for agreement within 3 months of the date of this order. The agreed works shall be carried out and completed within 6 months of this order and photographs showing the same shall be submitted to, and agreed in writing with, the planning authority once the works are completed</p> <p>Reason: In the interests of visual amenity and the protection of the residential amenities of adjacent properties</p>
3	<p>The house shall be used as a single residential unit only and shall not be divided into separate residential units unless by way of a further planning permission for the same.</p> <p>Reason: To define the scope of the permission and in the interests of residential amenity</p>
4.	<p>The attic shall be used for domestic storage only</p> <p>Reason: To define the scope of the permission</p>
5	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping for the front garden details of which shall be submitted to and agreed in writing with the planning authority within 6 months of the date of this order. The agreed scheme shall be carried out and completed within 12 months of this order and shall be maintained in perpetuity.</p> <p>Reason: In the interests of visual amenities.</p>

6.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health</p>
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Name: Andrew Hersey

Planning Inspector

Date: 7th March 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference		ABP321281-24	
Proposed Development Summary		Retention of Residential Extensions & Amendments	
Development Address		78 Renmore Park, Renmore, Galway	
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	√
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	Tick/or leave blank	State the Class here.	

No	Tick or leave blank		√
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes		State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
No			Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes		State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No		Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ **Date:** _____